

Hearing Date: April 19, 2023
Objection Date: January 20, 2023
Reply Date: February 20, 2023

Pamela A. Miller
Amber Covucci
O'MELVENY & MYERS LLP
Seven Times Square
New York, New York 10036
Telephone: (212) 326-2000
E-mail: pmiller@omm.com
Attorneys for Merrill Lynch Bank (Suisse) SA

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

MERRILL LYNCH BANK (SUISSE) SA,
n/k/a BANK JULIUS BÄR & CO. AG a/k/a
BANK JULIUS BAER & CO. LTD.,

Defendant.

Adv. Pro. No. 11-02910 (CGM)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that Defendant Merrill Lynch Bank (Suisse) SA, by and through its undersigned counsel, submits its memorandum of law and accompanying declaration and exhibits in support of its motion to dismiss the amended complaint of Plaintiff Irving H. Picard, trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the substantially consolidated estate of Bernard L. Madoff under the Federal Rules of Civil Procedure.

Dated: November 21, 2022

New York, New York

Respectfully submitted,

O'MELVENY & MYERS LLP

By: /s/ Pamela A. Miller

Pamela A. Miller

Amber Covucci

O'MELVENY & MYERS LLP

Seven Times Square

New York, New York 10036

Telephone: (212) 326-2000

E-mail: pmiller@omm.com

Attorneys for Merrill Lynch Bank (Suisse)
SA